

Notice of Allowability

Application No.

09/500,624

Examiner

Harish T. Dass

Applicant(s)

AMBURN, DEAN

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/28/07.
2. ☒ The allowed claim(s) is/are 35, 37, 39-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

This office action is in response to applicant's communication of 8/28/07 and oral communication for examiner amendment 11/8/2007.

Status of claims:

Cancel claims: 1-34, 36, 38, 45-47

Pending claims 35, 37, 39-43.

Allowable Subject Matter

Claims 35, 37, 39-43 are pending and have been allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 35 and 37 and there dependent claims 39-43 are allowed because the closes prior art of record and references of Lupien et al. (US 5,845,266), Kane (US 6,317,728), Buist (US 6,408,282), Tertitski et al. (US 6,493,681) and CyberCorp. in any combination failed to teach or render obvious to one of ordinary skill in the art, automatic buying and selling of security repeatedly based on a decision models (see history of prosecution).

Examiner's Amendment

The following are list of examiner's amended claims:

Claim 35

- --35. (Currently amended) A process for automated trading of a security through a brokerage computer system in communication with a client computer system, comprising:

providing a brokerage having a brokerage computer system for transacting orders to buy and sell securities, wherein the brokerage computer system is in communication with a plurality of client computer systems;

receiving ~~[[to]]~~ at the brokerage computer system from the client computer system at least one computer implemented buy decision model for the security wherein ~~[[the]]~~ an at least one buy decision model provides for making a decision to buy ~~[[is not]]~~ based ~~[[only]]~~ on more than price data for the security;

~~receiving to the brokerage computer system from the client computer system~~ selecting at least one computer implemented sell decision model for the security;

providing a computer implemented monitoring process on the brokerage computer system for monitoring the decision models for a buy decision or a sell decision wherein the monitoring process comprises resolving a mathematical equation of the at least one buy decision model and comparing the result to a decision point;

providing a computer implemented transaction approval process on the brokerage computer system for determining after the decision to buy or sell the security is made if a transaction to buy or sell the security is appropriate;

providing a computer implemented transaction submission process on the brokerage computer system for submitting a transaction to buy or sell the security to a market computer system and monitoring the transaction until it is completed;

inputting data into the at least one buy decision model and ~~[[the]]~~ an at least one sell decision model wherein the data comprises data for the security wherein the data is input into the decision models at the brokerage computer system;

monitoring the decision models through the monitoring process for at least one of the buy decision or the sell decision;

~~[[if]]~~ when the buy decision is reached then determining through the transaction approval process ~~[[if]]~~ whether a buy transaction is appropriate and if so then automatically submitting to the market computer system through the transaction submission process an order to buy the security, otherwise continue monitoring the decision models;

~~[[if]]~~ when the sell decision is reached then determining through the transaction approval process ~~[[if]]~~ whether a sell transaction is appropriate and if so then automatically submitting to the market computer system through the transaction submission process an order to sell the security, otherwise continue monitoring the decision models; and

continuing inputting data into the decision models, monitoring the decision models through the monitoring process, and repeating the steps ~~[[if]]~~ for when the buy decision is reached or when the sell decision is reached ~~until the process is stopped~~, wherein the process for automated trading allows for repeated buying and selling the security without stopping between transactions. -- -

- --37. (Currently Amended) A process for automated trading a security through a ~~network~~ accessible brokerage computer system in communication with a client computer system comprising the steps of:

a. ~~providing a network accessible brokerage comprising a brokerage computer system;~~

a. ~~[[b.]]~~ ~~accepting to~~ receiving at the brokerage computer system from the client computer system one or more computer implemented decision models for a security wherein the one or more decision models comprise at least one of a buy logic for deciding to buy the security and a sell logic for deciding to sell the security, wherein the buy logic and the sell logic comprises ~~[[a]]~~ one or more mathematical equations of data for the security; expression, ~~wherein the mathematical expression comprises a moving average of data for the security;~~

b. ~~[[c.]]~~ providing on the brokerage computer system a computer implemented monitoring process for monitoring the one or more decision models for a decision to buy the security or a decision to sell the security wherein the monitoring process comprises resolving the one or more mathematical expression; equations;

c. ~~[[d.]]~~ providing on the brokerage computer system a computer implemented transaction approval process for determining if a transaction to buy or sell the security is appropriate once the decision to buy or the decision to sell has been made;

d. ~~[[e.]]~~ providing on the brokerage computer system a computer implemented transaction submission process for submitting the transaction to buy or sell the security to a market computer system and monitoring the transaction until it is completed;

e. [[f.]] inputting data into the one or more decision models, wherein the data is input into the one or more decision models until the process is stopped, wherein the data comprises the data for the security;

f. [[g.]] monitoring the one or more decision models using the monitoring process, for the decision to buy or the decision to sell;

g. [[h.]] [[if]] when the decision to buy or the decision to sell is reached then determining using the transaction approval process [[if]] whether a buy or sell transaction is appropriate and [[if]] when so [[then]] automatically submitting using the transaction submission process an order to buy or sell the security; and

h. [[i.]] iteratively repeating above steps ~~g. and h.~~ f. and g. until the process for automated trading is stopped. -- -

Claim 43

--43. (Currently Amended) The process of claim 37 wherein the one or more decision models ~~decision model~~ further comprises a sell short logic for deciding to sell short the security and a buy to cover logic for deciding to buy to cover the security. -- -

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Primary Examiner
Art Unit 3692



11/12/07